

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY
LITIGATION**

Kevin Turner and Shawn Wooden, on behalf of themselves and others similarly situated, Plaintiffs, v. National Football League and NFL Properties, LLC, successor-in-interest to NFL Properties, Inc., Defendants.	No. 2:12-md-02323-AB MDL No. 2323 Hon. Anita B. Brody
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Petition for Deviation

A. Request for Deviation

Comes now, The Taft Law Firm, P.C., (Petitioner) and files this Petition for Deviation.

From the outset of the engagement with Mr. Walker (Settlement Class Member/Claimant), Petitioner spent significant time completing the work required for the registration and processing of Mr. Walker's claim. With certain recognition of the work of the Court and of Class Counsel to be sure, the Claimant's Award was also in large part achieved as a direct result of the work of the Petitioner. For example, Petitioner spent significant amounts of time working for the benefit of Claimant Walker, including meetings and conferences with the Claimant to obtain understanding of the facts and circumstances of his case; completion of all registration, claim, and certification forms; the coordination and payment of the Claimant's travel to and from evaluations by the MAF physicians scheduled by the Petitioner; the assembly and submission of medical and other records and submissions to the Claims Administrator; the answering of the

Claims Administrator's questions, and otherwise completing the claims submission process to a successful resolution and Claims Award favoring Mr. Walker.

Petitioner's work and expense did not end with obtaining the affirmative Claims Award finding for the Claimant Mr. Walker. For, Petitioner then was forced to deal with the exceptional and unique circumstance of defending against an NFL Appeal - to ensure our Claimant was able to keep his Claim Award. Subsequent to the Claim Administrator's Claim Award determination favoring Mr. Walker, the NFL Defense Counsel then initiated the filing of an Appeal of the Administrative Decision - seeking to overturn and remove Claimant Walker's Award finding. Petitioner then spent weeks more researching the medical and applicable criteria, and drafting and filing the Opposition to the NFL's Appeal. Petitioner's additional efforts again proved successful, as the Claimant's Award was affirmed on Appeal. Post-Appeal, Petitioner then completed and filed the remaining records necessary to complete the Claimant's process to perfect the Award Determination.

The payment terms of the original contingency fee agreement between the parties provided for a zero-dollar recovery by the Petitioner if the claim efforts were unsuccessful and for a contingency fee of 33% of the recovery, plus fees and costs if we were successful on the claim. In light of the Petitioner's work in both securing the initial affirmative Award and then in securing affirmance of the Award in the face of the NFL's Appeal, Petitioner respectfully seeks this slight increase in the presumptive fee award from 22% to 28%, which would include the presumptive 5% Common Fund holdback. Again, this 28% would be a decrease in the originally agreed 33% contingency fee.

B. A Statement Declaring under Penalty of Perjury that the Petitioner, The Taft Law Firm, P.C., has informed the Claimant Mr. Darnell Walker that the Petition for Deviation is being filed with the Court and that the Petitioner has served Mr. Walker with a Copy of the Petition for Deviation.

The Taft Law Firm, P.C., through its undersigned counsel, hereby declares under penalty of perjury, that the Claimant, Mr. Darnell Walker, has been made aware of the foregoing petition by email and also by way of pre-paid First-Class U.S. Mail.

Respectfully submitted,

THE TAFT LAW FIRM, P.C.

/s/Tony R. Taft

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CERTIFICATE OF SERVICE

I, Tony R. Taft, hereby certify that a copy of the foregoing document was filed through the Court's ECF system on June 7, 2018, and that such filing was emailed and mailed to Mr. Darnell Walker. Such ECF filing also generates a notice of filing that constitutes service on all counsel of record.

/S/Tony R. Taft

Tony R. Taft